

**UNITED STATES DISTRICT COURT**

## EASTERN DISTRICT OF TEXAS

ROBERT GRIZZLE,

Plaintiff,

*versus*

MICHAEL BYERLY, *et al.*,

Defendants.

CIVIL ACTION NO. 9:21-CV-296

**MEMORANDUM ORDER ADOPTING  
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Robert Grizzle, proceeding *pro se*, filed this civil rights lawsuit. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the claim against Kenneth Hutto be dismissed for failure to state a claim upon which relief may be granted. To date, the parties have not filed objections.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the magistrate judge are correct.

Accordingly, the Report and Recommendation of United States Magistrate Judge (#9) is **ADOPTED**. The claim against Kenneth Hutto is **DISMISSED**.

SIGNED at Beaumont, Texas, this 14th day of August, 2024.

Marcia A. Crone

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE